

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

May 2, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Mayor Valdivia on May 2, 2005, at 6:02 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

ABSENT: None.

STAFF PRESENT: Interim Public Works Director Steve Wittry, Airport Manager Bill Gere, Community Services Director Clay Lee, Administrative Services Director Robert Galvan, Fire Chief Bill Garringer, Police Chief Jeff Miller, Interim Development Services Director Bill Avera, and RDA Program Coordinator Bryan Briggs.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of May 2, 2005, was posted on the bulletin board at City Hall on April 28, 2005, at 2:15 p.m. per Government Code Section 54954.2.

CLOSED SESSION AGENDA:

A. Public comment for Closed Session agenda.

None.

B. Mayor Valdivia announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (2 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
 - d. Borges et al v. Hollister, Case Number CV030139
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
5. Threat to Public Services of Facilities pursuant to Government Code Section 54957:

Consultation with City of Hollister Chief of Police
6. Personnel - City Manager Evaluation/Contract.

Council Member Scattini moved to recess to Closed Session at 6:03 p.m. to discuss the items listed above. Motion seconded by Council Member Emerson and carried by a unanimous vote.

The City Council reconvened at 7:01 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson

ABSENT: None.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of May 2, 2005, was posted on the bulletin board at City Hall on April 28, 2005, at 2:15 p.m. per Government Code Section 54954.2.

PROCLAMATIONS:

Mayor Valdivia proclaimed May 2005, to be Clean Air Month in the City of Hollister. Council Member Emerson read the Proclamation and presented it to Veronica Lezama from San Benito County Council of Governments (COG).

Mayor Valdivia proclaimed May 15-21, 2005, to be Bike Week in the City of Hollister. Council Member Johnson read the Proclamation and presented it to Veronica Lezama from COG.

Mayor Valdivia proclaimed May 2005, to be Water Awareness Month in the City of Hollister and presented the Proclamation to Shawn Novack with the Water Resource Association.

CLOSED SESSION:

City Attorney Cass announced that the City Council of the City of Hollister had discussed the following in Closed Session and there was nothing to report:

1. Personnel - City Manager Evaluation/Contract.

A. CONSENT RESOLUTION (May 2, 2005):

1. Minutes of Regular Meeting of April 18, 2005, and Special Meeting of April 25, 2005.

- (a) Approved the Minutes of the Regular Meeting of April 18, 2005, and the Special Meeting of April 25, 2005, as submitted.
- 4. Resolution No. 2005-58, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PRELIMINARY SPECIAL DISTRICT REPORT FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING DISTRICT NO. 93-1 FISCAL YEAR 2005/2006.
 - (a) Received transmittal dated April 22, 2005, Consider Resolution of the City Council of the City of Hollister Approving the preliminary Engineers Report and Budget for levy and Collection of Annual Assessments for Landscape & Lighting District 93-1, FY 2005/2006, from Assistant Engineer Aguilar.
 - (b) Adopted Resolution No. 2005-58, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PRELIMINARY SPECIAL DISTRICT REPORT FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING DISTRICT NO. 93-1 FISCAL YEAR 2005/2006.

Council Member Pike moved to adopt the Consent Resolution (May 2, 2005) as stated above. Motion seconded by Council Member Emerson and carried by a unanimous vote.

ITEMS PULLED FROM CONSENT RESOLUTION (May 2, 2005):

- 2. Warrant Register.
 - (a) Received transmittal dated April 14, 2005, Warrant Register, from Administrative Services Director Galvan.
 - (b) Council Member Emerson moved to ratify and approve the Warrant Register dated April 14, 2005 in the amount of \$677,217.29. Motion seconded by Council Member Pike and carried by a unanimous vote.
- 3. Claim against the City - AIG Aviation.
 - (a) Received transmittal dated April 19, 2005, Claim Against the City - AIG Aviation, from City Clerk Johnson
 - (b) Received oral report from Airport Manager Gere.
 - (c) Council Member Emerson moved to deny the claim against the City filed by AIG Aviation and authorize staff to send the notice of rejection of claim to the claimant. Motion seconded by Council Member Johnson and carried by a unanimous vote.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. Public Input.

- (a) Jon Mansmith, San Juan Bautista, CA requested being placed on the next City Council agenda regarding his Friday night BBQ business. He also requested that the City amend the Ordinance to allow him to continue his 12 year old business.

City Attorney Cass informed Mr. Mansmith that he needs to make an appeal to the Planning Commission before it comes to the City Council.

- (b) Dolly De Vasier, Hollister, CA is President of the Ladies Auxiliary to the Veterans of Foreign Wars. She requested storage and space at the Veterans Memorial Building for their items. Mrs. De Vasier also requested that the Veterans Building Commission be re-instated.
- (c) Robert Gonzales, Hollister, CA is the Commander of the American Legion. They want equal use of the Veterans Memorial Building and storage space.

City Manager Quilter informed the City Council that staff will renew efforts to resolve issues at the Veterans Memorial Building.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

- 1. Resolution No. 2005-59, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING APPROPRIATION OF FUND 304 FOR THE UPDATE TO THE SAN BENITO COUNTY TRAFFIC IMPACT FEE STUDY.

- (a) Received transmittal dated April 22, 2005, A Resolution of the City Council of the City of Hollister Authorizing Appropriation of Funds for the Update to the San Benito County Traffic Impact Fee Study, from Deputy Public Works Director Wittry.
- (b) Council Member Emerson moved to adopt Resolution No. 2005-59, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING APPROPRIATION OF FUND 304 FOR THE UPDATE TO THE SAN BENITO COUNTY TRAFFIC IMPACT FEE STUDY. Motion seconded by Council Member Scattini and

carried by a unanimous vote.

2. Resolution No. 2005-60, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR SEALED BIDS FOR THE TRAFFIC SIGNAL PROJECT AT SAN FELIPE ROAD AND FALLON ROAD.
 - (a) Received transmittal dated April 22, 2005, A Resolution of the City Council of the City of Hollister Approving the Plans and Specifications and Authorize Calling for Bids for the Traffic Signal Project at San Felipe Road and Fallon Road, from Associate Civil Engineer Rubcic.
 - (b) Council Member Emerson moved to adopt Resolution No. 2005-60, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR SEALED BIDS FOR THE TRAFFIC SIGNAL PROJECT AT SAN FELIPE ROAD AND FALLON ROAD. Motion seconded by Council Member Pike and carried by a unanimous vote.
3. Resolution No. 2005-61, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURE FOR THE ANNUAL SANTA CLARA VALLEY PEACE OFFICERS MEMORIAL RUN.
 - (a) Received transmittal dated April 27, 2005, Resolution approving temporary street closure for the Annual Santa Clara Valley Peace Officers Memorial Run, from City Clerk Johnson.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-61, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURE FOR THE ANNUAL SANTA CLARA VALLEY PEACE OFFICERS MEMORIAL RUN. Motion seconded by Council Member Emerson and carried by a unanimous vote.
4. Resolution No. 2005-62, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE DISPOSITION OF CERTAIN CITY OWNED VEHICLES AND EQUIPMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FIRST CAPITOL AUCTIONS.
 - (a) Received transmittal dated April 24, 2005, A Resolution of the City Council of the City of Hollister Approving the Disposition of Certain City Owned Vehicles and Equipment and Authorizing the City Manager to Execute a Contract with First Capitol Auctions, Inc., from

- Community Services Director Lee.
- (b) Council Member Scattini moved to adopt Resolution No. 2005-62, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE DISPOSITION OF CERTAIN CITY OWNED VEHICLES AND EQUIPMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FIRST CAPITOL AUCTIONS. Motion seconded by Council Member Pike and carried by a unanimous vote.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

- 1. Reports from City Council Committees.
 - (a) Council Member Emerson announced that the Homeless Task Force would be meeting on Tuesday night. They have established a board of directors but may merge with Marley Holte's board.
 - (b) Mayor Valdivia announced that the Gang Task Force will meet next week and are planning their next Community meeting to be held at R. O. Hardin School, time to be announced.
 - (c) Council Member Johnson stated that the last two Fire Task Force meetings had been canceled.
- 2. Reports from City Council, City Manager, City Attorney, and Staff.
 - (a) City Manager Quilter - announced that the Inter-Governmental Committee meeting will be held on May 13. He informed the City Council that the County is working on ways to eradicate and/or deal with the West Nile Virus. Our staff person, Dennis Rose, is helping with this project. The committee may ask the City for money to assist with our storm drains. Future information will be agendized and the City has an interest in this issue for the health and safety of our citizens.
 - (b) City Attorney Cass - nothing to report.
 - (c) City Clerk Johnson - announced that the Farmer's Market will start on Wednesday, May 4 in historic downtown Hollister and the annual Trade Show will be held at the Veterans Memorial Building on May 18 from noon to 7:00 p.m.
 - (d) City Council Member Pike, District 1 - has met with constituents who want the City to find revenue and ways to save money; will be attending a dinner for Compassion Pregnancy Services tomorrow night; and thanked Bill Gere for showing him the positives and negatives at the Hollister Municipal Airport.
 - (e) City Council Member Emerson, District 4 - announced that New York

City was great.

- (f) City Council Member Johnson, District 5 - met last Wednesday with a group that will assist Congressman Sam Farr for his citizen swearing in ceremony to be held on July 6 from 10 a.m. to 1 p.m. and there will be a reception after the ceremony; May is Mental Health Month and there is a great need for mental health awareness; Gilroy will have a community health day on May 21 and we should have one in our community; and attended the Latina Action Day in Sacramento and took her 11 year old daughter who also participated and actually spoke to Senator Jeff Denham regarding school and several school issues. Mrs. Johnson commented that we under-estimate our youth.
- (g) City Council Member Scattini, District 2 - asked if there is an Ordinance that requires house numbers to be on all houses and to be a certain size as it is important for public safety; requested that the weeds be removed from the old Kentucky Fried Chicken and Union 76 lots on San Benito Street; and announced that Jessica from the Free Lance will be leaving Hollister on the 13th and wished her well.
Mr. Avera informed Mr. Scattini that the Code Enforcement Officer had contact the owners of both lots to remove weeds.
Ms. Cass informed Mr. Scattini that she will look into the Municipal Code and/or an Ordinance regarding the house numbers.
- (h) Mayor Valdivia, District 3 - congratulated the Rancho-Maze Band and Color Guard who participated in a competition last Saturday and came home with four trophies.

3. Receive oral report regarding water and wastewater issues.

- (a) Received memorandum dated April , 2005, Update on Water and Wastewater Issues, from City Manager Quilter.
- (d) Information only; no City Council action taken.

4. Receive status report on Hollister Municipal Airport.

- (a) Received oral report from Airport Manager Gere. He announced that one or two issues will be discussed at each of several future Council meetings. A business plan for the Airport will be addressed during an Economic Development Workshop with the City Council.
- (b) Information only; no City Council action taken.
- (c) Council Member Scattini asked that the weeds at the Airport be cleaned up as soon as possible.

F. UNFINISHED BUSINESS:

City Council Regular Meeting
May 2, 2005

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of May 2, 2005, was adjourned at 8:10 p.m. by motion of Council Member Emerson. Motion seconded by Council Member Pike and carried by a unanimous vote.

Respectfully submitted,

Geri Johnson, CMC
City Clerk